

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

In Re: )  
 )  
AREDIA and ZOMETA PRODUCTS ) No. 3:06-MDL-01760  
LIABILITY LITIGATION ) Judge Campbell/Brown  
(MDL No. 1760) )  
 )  
This Document Relates to )  
Case No. 3:06-CV-0977 (Cherry) )

O R D E R

Plaintiff's counsel has filed an amended motion for substitution on behalf of Mr. James Cherry (Docket Entry 7179). The Defendant has advised that they do not oppose the Court provisionally granting this motion pursuant to the case management order. The motion is, therefore, **GRANTED** to the extent Mr. Cherry is provisionally substituted as Plaintiff in this matter. Prior to this Court filing a suggestion of remand, Mr. Cherry shall provide satisfactory evidence that he is has been issued letters of administration.

The Defendant points out that this case was moved from Group 1 to Group 2 because Mr. Cherry's illness made him unable to sit for a deposition. In view of the deadlines, Mr. Cherry's case is transferred to Group 3.

The Defendant points out that in earlier pleadings it was indicated that Mr. Cherry was in declining health and that another family member might be substituted. In view of this motion the Magistrate Judge assumes that Mr. Cherry is sufficiently recovered to participate in the deposition.

Counsel for Mr. Cherry should consult with the Defendant in order to make Mr. Cherry available for a deposition within **45 days** of this order.

It is so **ORDERED**.

/s/ Joe B. Brown

JOE B. BROWN

United States Magistrate Judge